

**BEFORE THE BOARD OF MASSAGE THERAPY
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**LI MEI HAN
LICENSE NO. 7506,**

CASE No. MT-15-18-COM

Respondent.

FINAL DECISION AND ORDER OF FINE

THIS MATTER came before a quorum of the New Mexico Board of Massage Therapy (the "Board") at a regular meeting held January 8, 2017, at the office of the New Mexico Regulation and Licensing Department in Santa Fe, New Mexico, upon a complaint filed against Li Mei Han (hereinafter "Respondent") alleging possible violations of the Massage Therapy Practice Act, NMSA 1978, Sections 61-12C-1 to -28 (1991, as amended through 2015). A formal evidentiary hearing was held on November 1, 2017, by designated hearing officer, Marta Lucas, pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017), the Massage Therapy Practice Act, and the Board's rules. The Board, having familiarized itself with the record, including the Hearing Officer's Report, voted to adopt the Hearing Officer's Report and order Respondent to pay a \$1,000 fine within sixty (60) days of the receipt of this Final Decision and Order based on the following:

FINDINGS OF FACT

The Board adopts the proposed Findings of Fact from the Hearing Officer's Report, and such findings are hereby attached and incorporated as if stated in their entirety herein.

CONCLUSIONS OF LAW

1. Respondent holds a massage therapy license under the Massage Therapy Practice Act, NMSA 1978, Sections 61-12C-1 to -28 (1991, as amended through 2015), and is subject to the jurisdiction of the Board.
2. Pursuant to Section 61-1-3, Section 61-12C-24, and Rule 16.7.14 NMAC, the Board held a proper hearing on the matter and previously provided Respondent with proper notice of the general nature of the allegations and evidence against her.
3. Respondent was provided timely notice of the hearing and advised of her rights.
4. Based on the reliable testimony of Detective Mathew Vollmer, a preponderance of the evidence presented at the formal evidentiary hearing supports the finding that Respondent offered to provide a sexual service to a massage client in exchange for financial compensation, which constitutes unprofessional conduct in violation of the Massage Therapy Practice Act, NMSA 1978, Section 61-12C-24(B)(6) and (12), and 16.7.2.8 NMAC.
5. The Board finds Respondent violated the Massage Therapy Practice Act, NMSA 1978, Section 61-12C-24(B)(6) and (12); and Board Rule 16.7.2.8(B) NMAC.
6. Upon finding that a licensee “is guilty of unprofessional or unethical conduct” or has violated “a provision of the Massage Therapy Practice Act or rules of the board,” Section 61-12C-24(B), the Board is authorized to take action, including suspension or revocation of the licensee’s license, requiring the licensee to undergo remedial education, or the imposition of a fine of up to \$1,000. *See* § 61-12C-24(B); *see also* § 61-1-3.
7. Respondent’s conduct warrants the imposition of discipline. Based on the totality of circumstances, it is appropriate to issue a fine to Respondent in the amount of \$1,000.

ORDER

IT IS THEREFORE ORDERED that Respondent pay a fine in the amount of \$1,000 to the Board within sixty (60) days of receipt of this Final Decision and Order.

IT IS SO ORDERED.

1/16/2018

DATE

/s/ Susan Andrews

SUSAN ANDREWS, CHAIR

NEW MEXICO BOARD OF MASSAGE THERAPY

*Signature executed via e-mail
authorization dated _____*

JUDICIAL REVIEW

This Order constitutes a final decision for purposes of initiating any contemplated judicial review pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, Section 61-1-17, and NMSA 1978, Section 39-3-1.1. An aggrieved party has the right to judicial review of this Order by filing a notice of appeal under Rule 1-074 NMRA within thirty (30) days of the date of filing of the final decision. Any pleadings filed with the district court must be served on the Board's counsel, Assistant Attorney General John Kreienkamp.